

ERWIN SCHWARTZ

FAX: 514-696-8344

TEL: 514-696-7961

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OFFICE OF PETITIONS

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To: Fax 703-872-9306

ATTN: Office of Petitions

To: United States Department of Commerce

PATENT AND TRADEMARK OFFICE

Commissioner of patent and trademarks

Washington, D.C. 20231 U.S.A.

23

March 2004

Application # 08/418,286

Filing Date: 04/07/95

Examiner: Mr. Atkinson C.

Applicant- Schwartz ERWIN.

Title: Heat Exchanger

Art Unit: 3407

Dear Sir /Madam.

A, B, C Responses are here attached as a reply to 2 letters from your department.

Also attached "NON PUBLICATION REQUEST"

Also Attached "Terminal Disclaimer to accompany petition" (was paid before)

Also is attached NOTICE OF APPEAL and My Fee for "Notice of Appeal" for 165 \$US (code 2401)

Yours truly

Erwin Schwartz B.Eng.

03/26/2004 AWONDAF1 00000011 08418286

02 FC:2401 165.00 OP

03/26/2004 AWONDAF1 00000011 08418286

03 FC:1461 50.00 OP

A) Subject "Renewed Petition under 37 C.F.R. & 1.182 and & 1.48".

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Application # 08/418,286

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OFFICE OF PETITIONS

1- As a response to your Letter dated Feb 20 2004, to my seeking to "alter the inventive entity".

Please REMOVE the name of Peter Lipert from this application

Also my first name is "Erwin" Please correct

Please confirm receiving this request.

Reason is: Mr. Peter Lipert does not want to pay for any patent related expense.

Proof= Please find attach his check # 0055 (for n75 \$ Canadian) that was returned from the bank, where by originally was issued for the patent revival in USA.

You can see in bottom left of the check, should have been about half of the "Petition to revive --unavoidable" fee of US\$ 55 plus "Terminal disclaimer" fee of US\$ 55 (110 US\$ /2 = about 75 \$ Canadian) But it was cancelled later or had no sufficient funds in the account.

Definitely, he is not willing to pay for this new much higher expense attached today.

Attached is my fee for "Petition to revive- Unintentional" for 665 \$ US. (code 2453)

And my fee for "Processing fee under 37 CFR" for 50 \$ US (code 1807)

On the attached (PTO/SB/17 with fee is included).

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**B) Subject "Renewed Petition under 37 C.F.R. & 1.137 (b)**

**Application # 08/418,286**

**Filing Date: 04/07/95**

**Examiner: Mr. Atkinson C.**

**Applicant- Schwartz ERWIN.**

**Title: Heat Exchanger**

**Art Unit: 3407**

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**MAR 30 2004**

**OFFICE OF PETITIONS**

**"Petition for revival of an application for patent abandoned unintentionally under 37 C.F.R. 1.137 (b)" is attached.**

**As a reply your letter dated Jan 29 2004**

**Attached is my Fee for "Petition to revive- Unintentional" for 665 \$ US. (code 2453)**

**And my Fee for "Processing fee under 37 CFR" for 50 \$ US (code 1807)**

**And my Fee for "Notice of Appeal" for 165 \$US (code 2401)**

**(And my fee for "Terminal disclaimer" for 55 US\$ was paid before).**

**Details are, on the attached (PTO/SB/17) with fee included.**

**I state that:**

**The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition (with fee attached) pursuant to 37 C.F.R. & 1.137 (b) was unintentional**

**Reasons:**

**1) I hired "Patent Agent" Mila Shvartsman (P.O.Box. 225, Outremont, Que, Canada, H2V4M8) to apply and process the application for a patent in the USA. In 1994 on my behalf.**

**Later I found out that she did not full fill her obligations and basically she abandoned the work on the file. (Copy of her letter is attached).**

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- 2) I sent her a registered mail to GET back OUR files. Which she refused (copy attached).
- 3) I had to go to the Local Small Claim Court in order to try to recover copies of all the papers that the above agent filed? On our behalf, and to figure out the state of our above application. (Copy of court case is attached).
- 4) I still NEVER got back from her our documents.

Based on the above, will you please, **REVIVE THE Unintentionally ABANDONED APPLICATION?**

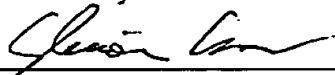
5- My name is Erwin Schwartz. (please correct the first name)

6- Also a Non Publication Request (is attached) to be applied to this application.

(But, I think that it is not required, since the application Filing date is of 1995

For me it is very important and I would have not missed the date limit to respond if I had the documents in time.

Yours Truly



Erwin Schwartz / B.Eng.

305 BAFFIN. D.D.O. (Montreal), Quebec, H9A 3G4, Canada.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

**Complete if Known**

Application Number	08/418,286
Filing Date	04/07/03
First Named Inventor	SCHWARTZ ERWIN
Examiner Name	ATKINSON C.
Art Unit	HEAT EXCHANGER
Attorney Docket No.	

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	165
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	665
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Petitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	50
1806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify) TECHNICAL REPORT

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) -880-

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	SCHWARTZ ERWIN	Registration No. (Attorney/Agent)	Telephone	514-696-7961
Signature	<i>Erwin Schwartz</i>		Date	23/4 APR/2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/35 (11-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	ERWIN SCHWARTZ
	Title	HEAT EXCHANGER
	Atty Docket Number	08 / 418,286

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

23 / APR 14 / 2004  
Date

  
Signature

ERWIN SCHWARTZ  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).


**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 5 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.


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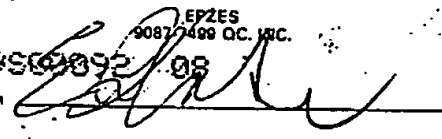
**EPZES**  
**9087-7499 QC. INC.**  
 163 ROGER PILON  
 DOLLARD DES ORMEAUX, QUEBEC H9B 1A9  
 Tel: (514) 683-9837

0055

DEC. 4th 2003  
DATE

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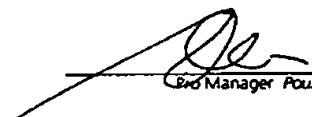
8012113  
Account No. N° de compte

	75.00 75.00
Total	

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 • DOLLARD-DES-ORMEAUX QC  
 • H9A 3G4



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 Exp Manager Pour le directeur

FROM PETER LIPERT  
 CHECKER FOR PATENT  
 IS BOUNCED  
 HE doesn't want to pay



LES IMPORTATIONS DOSH-DART LTÉE.  
DOSH-DART IMPORT LTD.

10378-B, boul. Gouin O.  
Roxboro (Québec) Canada H8Y 1S3  
Tél.: (514) 421-1433 • Fax: (514) 421-1305

DEPUIS 1980  
SINCE 1980

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04 June 1996

REGISTERED MAIL

To: Mila Shvartsman, MA Electronics  
1535 Bernard quest, Apartment # 23

Outremont, Montreal Que, H2V 1W7  
Tel 948-5190  
Fax: 948-5382

Ré : Unpaid balance.

Mrs Shvartsman.

Following our fax of 10 April 1996 and your response on 10 April 1996.

1) It is the SECOND time we request that you return all our files, papers and documents within 10 business days, they are our property.

  
Erwin Schwartz B.Eng / President  
Dosh Dart Import Limited



# MILA SHVARTSMAN

Patent Agent (M.A. Electronics)

Canada & U.S.A.

*Patents, Industrial Designs, IC Topographies, Searches and related matters*

Mr. Ervin S. Schwartz  
Dosh-Dart Import Ltd.,  
10378-B, boul. Gouin/O.,  
Roxboro, Que.,  
H8Y 1S3

ORIGINAL BY MAIL  
COPY BY FACSIMILE

Dear Mr. Schwartz,

March 6, 1996

Please find enclosed to this letter copy of the second Office action received from USPO, response on which is due before May 27, 1996. To avoid paying extension fee (which can delay response for another 4 months) it is highly advisable to immediately consider this office action.

I am not in a position neither review  
this Office action, nor discuss with you any details.

Yours truly,

Mila Shvartsman

Encl.

CANADA

COUR DU QUÉBEC  
(chambre civile)

DIVISION DES PETITES CRÉANCES

PROVINCE DE QUÉBEC  
DISTRICT DE MONTRÉAL

NO.: 500-32-015926-969

Montréal, le 4 décembre 1996

Sous la présidence de: MADAME LA JUGE PAULE LAFONTAINE

X  
DOSH-DART IMPORT LTD.  
305 Baffin,  
Dollard-des-Ormeaux, Qc  
H9A 3G4

Requérante

-C-

MILA SHVARTSMAN  
1535 Bernard, Ouest, #23  
OUTREMONT, Qc  
H2V 1W7

Intimée

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